

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WISCONSIN**

IN RE:

JAYNE M. ANDERSON,

Case No. 13-16039

Debtor.

OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS

NOW COMES Nicholas A. Heike, as Attorney for the Trustee, who states to the Court his objections to the Debtor's claims of exemptions herein as follows:

1. This case was filed on or about December 23, 2013, and Christopher M. Seelen was appointed as Trustee.
2. The Debtor has claimed an exemption in the following property in the following amount:

Property	Claimed Current Value	Exemption Claimed	Basis of Exemption
Property Located at: 25016 Dane Road, Paynesville, MN 56362	\$57,331.31	\$57,331.31	MSA §§ 510.01, 510.02

(the "Exemption").

3. The Debtor sold her Minnesota residence on land contract on November 9, 2012. She has received \$500/month payments that began on the sale date and shall continue until November 9, 2017.
4. The Trustee objects to the Exemption because the Debtor has claimed a homestead exemption in property that ceased to be her residence 13 months before filing.
5. Minnesota statute § 510.07 allows a Debtor to exempt proceeds resulting from the sale of her homestead for up to one year after sale. Accordingly, the Trustee objects to the Exemption to the extent any proceeds received by the Debtor under the land contract following one year from its sale (November 9, 2012) should be property of the bankruptcy estate.

WHEREFORE, the Trustee prays to the Court for an Order as follows:

- A. Finding that due and appropriate notice of this Objection has been given under these circumstances;
- B. Denying the Debtor's exemption in the real property as the Debtor cannot claim a homestead exemption in property not used as her residence;
- C. Denying the Debtor's exemption to the extent any proceeds received by the Debtor under the land contract following one year from its sale (November 9, 2012) should be property of the bankruptcy estate.
- D. Denying the Debtor's Exemption in the Real Property to the extent the value is greater than scheduled;
- E. For such other and further relief as the Court in its discretion deems equitable and just under these circumstances.

Dated at Eau Claire, Wisconsin, this 25th day of February, 2014.

RUDER WARE

Nicholas A. Heike /s/

Nicholas A. Heike
Attorney for the Trustee
State Bar # 1061893

P.O. ADDRESS:

RUDER WARE

402 Graham Avenue

P.O. Box 187

Eau Claire, WI 54702-0187

Telephone: 715.834.3425

Fax: 715.834.9240